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## Law: The Wind Beneath My Wings

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*Foundation for Women's Resources*

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# Law: The Wind Beneath My Wings

Sarah Weddington\*

## I. INTRODUCTION

I participate in these types of conferences because it allows me to interact with different students year after year. Students often approach me about the topic that is the focus of this third Public Interest Law Speakers Series. Many undergraduate students consider law school because they are interested in public interest work, and I encourage that interest.

The past few decades brought us numerous articles on society's need for more public interest lawyers. Some focus on the obligation of law schools to instill a sense of duty in students early in their education. Some of these articles focus on employment opportunities after law school or ways to allow graduates to pay off student loans and work in public interest positions. Others focus on how to encourage participation in public interest work later in graduates' careers.

I intend to provide a different perspective. I believe that a substantial number of law students thirst to make a societal impact through public interest work.<sup>1</sup> Thus, the problem is not a difficulty in mustering enough interest, but rather, the obstacles law students and graduates must face along the way.

Accordingly, this Article traces the disconnect between students'

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\* Attorney who successfully argued *Roe v. Wade*, 410 U.S. 959 (1973), before the U.S. Supreme Court and is a founding member of the Foundation for Women's Resources. The following Article is based on a presentation by Dr. Weddington in the Public Interest Law Speaker Series at Washington University School of Law on September 19, 2000. I wish to acknowledge my debt of gratitude to Karlene Dunn, J.D., for her collaboration on this Article. She is a talented young lawyer interested in public service who embodies the best of what we hope for in public interest lawyers. I would also like to thank Deena Kalai for her research assistance. She is a third-year law student at the University of Texas.

1. There are those that disagree, opining that students' values simply change during law school. See, e.g., ROBERT V. STOVER, MAKING IT AND BREAKING IT: THE FATE OF PUBLIC INTEREST COMMITMENT DURING LAW SCHOOL (1989).

initial public interest commitment and their later inconsistent professional pursuits, with some thoughts on how to remedy this disparity.<sup>2</sup>

Section II chronicles my own path to a public interest career and the attendant opportunities and rewards I have experienced. Section III traces the reasons for the disconnect between law students' public interest commitment and the careers they ultimately choose. Finally, section IV discusses how law schools and the legal community currently encourage law students and graduates to enter the public interest field and what more they can do to help students overcome the obstacles that stand in the way.

## II. TO AND FROM *ROE*: MY CAREER IN PUBLIC INTEREST

I cannot stress enough the opportunities for a satisfying life that accompany a career in public interest law. Public interest work offers opportunities that are not often found in other avenues of law. For example, a public interest lawyer is more likely to try their own cases years before most big firm associates see the inside of a courtroom.<sup>3</sup> Additionally, public interest lawyers have the potential to work on important societal issues that impact people's lives while their classmates are working on business mergers.<sup>4</sup> As one commentator recently noted, "[m]any of the nation's landmark public-interest cases have grown out of lawyers' voluntary contributions."<sup>5</sup>

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2. See Jill Chaifetz, *The Value of Public Service: A Model for Instilling a Pro Bono Ethic in Law School*, 45 STAN. L. REV. 1695, 1701-03 (1993) (discussing study results reflecting that many more students express an interest in public interest work when entering law school than actually pursue it as a career upon graduation).

3. See M.A. Stapleton, *Public Interest Law Proving Quite a Draw: Record Number of Students to Intern*, 141 CHI. DAILY L. BULLETIN 3 (1995) (interviewing students and recent graduates about the benefits and experience they gained working at legal-aid agencies throughout Chicago).

4. In fact, Nan R. Nolan, a U.S. magistrate judge who previously performed *pro bono* work that compromised one-fourth of her practice, recently told a group of law students that "*pro bono* activities played a large role in her 1998 appointment" to the bench. Stephanie Francis Cahill, *Magistrate Judge Tells Students How Pro Bono Pays Off*, 146 CHI. DAILY L. BULL. 1 (2000).

5. Deborah L. Rhode, *Cultures of Commitment: Pro Bono for Lawyers and Law Students*, 67 FORDHAM L. REV. 2415, 2415 (1999).

Another commentator captures the pervasive effect that public interests lawyers can have by noting:

[P]ublic interest lawyers [have] used law to legally attack social conditions that produced segregation and discrimination against disfavored groups in the society. The annals of history have well documented the role of public interest lawyers in breaking the barriers of “Jim Crow” racial and ethnic segregation, elevating women to an equal status with men in the eyes of the law, carving out reasonable accommodations for persons with different abilities, and extending equal protections for the aged population, and more recently for gays and lesbians. In all of the classic civil rights areas of education, housing, criminal justice, voting, employment and business opportunities, as well as self-help protest protection rights such as speech and assembly, the public interest lawyer defended the rights of the people.<sup>6</sup>

Students are always curious about my experiences, because I spent the bulk of my career in the public-interest arena. I can say, without a doubt, that my career and life would not have been as fulfilling if I began with and followed a traditional law firm path. I would like to first address the most common question that law students ask me, which is how I was able to do so many exciting things.

I think of life as a series of “course corrections.” A woman engineer once told me that missiles are expensive not because they are able to go straight to a target, but rather because they have the ability to automatically “course correct.” If the missile encounters an enemy missile, it is able to evade. If high wind affects the missile, it crabs into the wind to maintain course. If the missile encounters an elevated area like mountains, it will go up and over the obstacle.

I did not go to law school with any preconceived notion of a path that would lead to any of the places I went. Instead, I followed a series of course corrections.

I began law school in 1965—a time when women were generally

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6. John C. Brittain, *The Public Interest Lawyer: A Proud Tradition in a Noble Profession*, 37 HOUS. LAW. 10, 11 (2000).

absent from the legal field. For example, there were five women starting at the University of Texas School of Law in June 1965. Upon graduation, I was a hard-working student in the top twenty percent of my class. Yet, I failed to receive an offer from a law firm, despite my best efforts and my achievement in law school. Instead, I accepted a position offered by my prior evidence professor, John F. Sutton (later the dean of the University of Texas School of Law), to assist him in studying ethical standards for lawyers and drafting the *Code of Professional Responsibility*.

During this time, a group of graduate students at the University of Texas asked me to do some volunteer legal research for them. They were teaching women how to avoid pregnancy, but sometimes women who were already pregnant would come to them and ask for information about the safest places to get an abortion, whether legal or illegal. At that time in Texas, abortion was illegal except to save the life of the woman. They asked me whether they could give that information to women, whether they could talk about it with the campus newspaper, whether they could share it with reporters, and, if they did, whether they would be subject to prosecution as accomplices to the crime of abortion.

I did not know the answer to their questions, but I did volunteer to do the necessary research. I never dreamed then that my research project would lead me to argue a case before the U.S. Supreme Court at the age of twenty-six. I also never dreamed that the decision, *Roe v. Wade*,<sup>7</sup> would still be discussed almost thirty years later. In fact, if those students asked me to try a U.S. Supreme Court case, I would have unequivocally refused. I never tried a contested case before my work on *Roe*. I had done uncontested divorces, wills for people with little money, and an adoption for my uncle. When I wrote a book about the case, I went back and asked those students why they came to me instead of a more experienced lawyer. Their answer was that they just needed someone who would do the case for free, and I was the only woman lawyer they knew.

After extensive research, we filed a lawsuit and eventually appealed to the U.S. Supreme Court. During the appellate process, I

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7. 410 U.S. 959 (1973).

did not know if we were winning or losing, so I filed to run for a seat in the Texas House of Representatives. No woman had ever been elected from Austin/Travis County to the Texas Legislature, but I thought the legislature should change the laws that discriminated on the basis of gender. Also, I hoped that if we lost *Roe*, we could use the legislative process to change the Texas anti-abortion statute.

The decision in *Roe* was announced on January 22, 1973. A few days earlier, I was sworn in as a State Representative. I was in my office in the Texas Capitol Building when my secretary received a call from a reporter at *The New York Times* asking if I had a comment about the case. My secretary answered: "Should she?" I stood there when the reporter told her that the case had just been decided. I can still hear her asking him, "*How* was it decided?" and she repeated his answer: "She won it seven to two." A telegram soon arrived from the Court that notified me of the decision; it was collect. What an unforgettable day.<sup>8</sup>

*Roe* was not the only experience that inspired me to focus my career on women's issues. For example, I learned in college, as an education major, that if I became a public school teacher I would have to quit my job as soon as I got pregnant; otherwise I would be fired. That rule made no sense to me. When I graduated from law school, I assumed I would work for a law firm. I had good grades and it seemed like the natural path—except that I could not get a job. I was the first woman from the University of Texas School of Law to have a law firm pay travel expenses from Austin to Dallas, but the partners at the law firm spent all day telling me why they were not ready to hire a woman. They said I would have to be home at night to cook dinner for my husband; I could not also practice law. They were not sure that clients would accept me. I faced obstacles other than those at law firms. I was told after graduation from law school that I could not get a credit card without my husband's signature. I tried to explain that when he returns from military service, I would pay for him to go to law school, and that for now, all the employment income in our family came from me. This information did not persuade the credit manager; later, as a state representative, I sponsored an equal

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8. For a more complete discussion of the preparation and arguments in *Roe*, see Sarah Weddington, *Roe v. Wade: Past and Future*, 24 SUFFOLK U. L. REV. 601 (1990).

credit bill which, when passed, allowed women access to credit. For these and other reasons, women's issues continue to be my focus and passion.

My arenas of public service expanded far beyond the state legislature. In 1977, the Carter administration invited me to Washington, D.C., to become the General Counsel for the U.S. Department of Agriculture (USDA). I was the first woman ever to serve in that capacity. It was an interesting position that dealt with food programs, food safety, and international trade as it related to food and farmers' programs. I was also the person responsible for legal work for the National Forest Service and other USDA agencies.

President Jimmy Carter rewarded my efforts. He asked me to come to the White House and, after briefly serving as a Special Assistant, to serve as Assistant to the President of the United States. My portfolio included women's issues and appointments and outreach to leaders across the country. During Carter's presidency, his administration allocated federal money to fund domestic violence shelters for the first time, and it expanded the opportunities for women in the military and the judiciary. Those were heady days of public service that ended on Inauguration Day, 1981, with Carter's departure from the White House.

Since then, I worked as Texas' lobbyist in Washington, taught at the University of New Mexico School of Law, practiced law, been a magazine columnist, wrote a book, and taught at the University of Texas. I never made as much money as many other lawyers, but life in public service is rich. I am involved with issues I care about, and I often enjoy positions of pivotal importance.

I view my life's winding path as a series of course corrections. There were many times that I was going down one path and something did not work out or I found a better path, and I took a course correction.

When I look back, I realize that all these course corrections were easier, and their impact greater, because I have the skills of a lawyer. Hence, the title of my presentation: "Law, the Wind Beneath My Wings." In some cases, law credentials were required, such as in representing *Roe*. In other situations, such as that of being a state representative and an advisor to the President, the skills I learned in law school enhanced my ability to have an impact.

Unfortunately, it seems that by the second year of law school, students are pressured in many ways to commit to the path of their career. At this point, they must already decide who to work with over their summers and what elective classes to take. I do not believe that a legal education is necessarily the process through which you will be able to decide what you want to do. Rather, the experience of education is, in part, for students to find the issues that inspire them. I attribute much of my success to my desire to make a difference in areas that inspire me. I believe the old saying that “dynamic lives are motivated by strong purpose.” One will not necessarily have the same purposes I had, but one should strive to find motivation. Do not be afraid to make “course corrections.”

### III. THE DISCONNECT BETWEEN STUDENTS’ INTERESTS AND THEIR CAREER CHOICES

I am certain, based on my own experience with students, that a greater number of students enter law school with the desire to enter the public service sector than actually find their way there. Many realities dictate this result. The first is simple economics. For students who finance their own education, it is common to leave law school with over \$50,000, and sometimes over \$100,000, in student loan debt.<sup>9</sup> The National Association for Public Interest Law (NAPIL) recently released the results of its study, “Financing the Future,” which showed that law schools raised tuition dramatically over the last decade without a corresponding increase in funding for programs that help students entering the lower-paying public sector repay the debt created by these tuition hikes.<sup>10</sup>

Perhaps the law school culture is an equally formidable obstacle. Students who enter law school eager to learn about the law and bring

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9. This condition has not improved. In the early 1980s, law school tuition began to escalate at twice the inflation rate. Jane E. Tewksbury, *The Changing Face of Public Sector Practice: Apprenticeships as a Recruitment Tool*, 40 B.B.J. 12, 13, 23 (1996).

10. *Trends in the Profession*, 63 TEX. B.J. 943, 944 (2000). NAPIL’s study revealed that the total amount to fund loan repayment assistance programs offered by law schools is just under \$7.6 million, and this figure has remained flat for nearly five years. *See id.* Further, only six schools comprise seventy percent of these resources: Yale Law School, New York University Law School, Harvard Law School, Columbia University School of Law, Stanford University Law School, and Georgetown University Law Center. *See id.*



justice to the world are immediately swept into the turmoil of the first year of law school. They have little time to do anything but learn how to read cases, recite in class, and retain everything they need to know for a one-shot, determinative final exam.<sup>11</sup> At this stage, in all but the most prestigious schools, students are constantly working to outperform their peers, against whom they must compete for scholarships, and, eventually, jobs. At the beginning of the second year, in addition to classes, students must make time for fall recruiting, law review, moot court, and mock trial. Commitments for students' second summer of employment are made before the December of that academic year and students are often scared to break from this traditional path either because they need the money firms pay during summer clerkships or they are afraid that deviation from the standard will later hurt their careers. Aside from these financial incentives, students follow this path because "it is what you are supposed to do." In other words, success in law school is often defined by earning good enough grades to get a good enough clerkship to get a good enough job offer when you graduate.<sup>12</sup>

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11. Laura M. Schachter, *1990 Survey of Books Relating to the Law*, 88 MICH. L. REV. 1874, 1877 (1990) (reviewing STOVER, *supra* note 1, and discussing Stover's explanation that "the first year of law school is simply too traumatic for most students to concentrate on the needs or interests of anyone but themselves").

12. Howard Lesnick, a professor at the University of Pennsylvania Law School, recently described this phenomenon while he discussed students' lack of involvement in public interest:

The prevalent mindset is that . . . if you do not devote all of your energy to staying afloat, you will sink. The thought is that as a student, I have to devote all of my time and effort to keeping my grades and reputation as high as possible, or I will simply not get a desirable job, a decent job, or a job at all . . . All the talk about billable hours in the profession, more added nearly every year, reinforces the notion that, if you ever stop to take a breath, someone is going to push you under. "Don't look back, someone may be gaining on you." The collapse of what we had thought, perhaps, would be an endless bull market for entry-level jobs has made this syndrome even more powerful. The thought that if I have to take a few hours out of my year to do something other than advancing my career, I will soon be reduced to picking up shells on the beach, is a real barrier to students developing their own priorities, and developing as well some sense of satisfaction in their work.

Howard Lesnick, *Why Pro Bono in Law Schools*, 13 LAW & INEQ. 25, 27 (1994); *see also* Chaifetz, *supra* note 2, at 1699 (discussing the "latent curriculum"—instilled through class content, cues from faculty, discussions with other students, advice from attorneys, and methods of job recruitment—which perpetuates students' fears that they must value most the traditional path to the large firm).

Also prevalent in law school is the idea that public interest jobs are scarce. This idea is a misconception easily made, as public interest employers often do not have the resources or time to participate in on-campus recruiting, and they rarely have the money to fly students to out-of-town locations for job interviews.

Finally, I believe that students often plan to make their more traditional, higher-paying law firm jobs temporary, but once there, they stay for a myriad of reasons. There is certainly a financial incentive to stay—the proverbial “golden handcuffs.”<sup>13</sup> There are other reasons too. Big firms carry a reputation for offering high-quality training, opportunities for creative and rewarding work, chances for professional advancement, and a highly-qualified support staff.<sup>14</sup> The perception that leaving a bigger firm to pursue a public interest career will remove an attorney from the legal mainstream also deters lawyers from leaving their firms.<sup>15</sup>

#### IV. REMEDYING THE DISCONNECT

There is no single solution to help more students who enter law school with a commitment to public interest realize this goal.<sup>16</sup> Undeniably, a reduction in the obstacles students and graduates face will require the cooperative effort of both students and law schools.

##### *A. What Law Schools Can Do*

Law schools can do more to help those students with a desire to pursue a public interest career. First, schools need to increase programs that offer financial assistance to students committed to public interest work after graduation.<sup>17</sup> NAPIL cites debt as the

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13. See Panel I, *Legal Education and the Role of Law Schools in Defining and Training Lawyers for Public Interest Practice in the Twenty-First Century*, 3 N.Y. CITY L. REV. 139, 154 (2000) (noting that many students intend to work for a big firm short-term, but then “[y]ou get the whole golden handcuffs and your life circumstances change and they can’t do that”).

14. See STOVER, *supra* note 1, at 35.

15. *Id.* at 82-83.

16. See Rhode, *supra* note 5, at 2416 (recognizing that “[h]ow best to narrow the gap between professional ideals and professional practice has been a matter of considerable controversy”).

17. For example, New York University School of Law provides tuition scholarships to students that commit to take low-paying public service jobs upon graduation. See Matthew

primary reason graduates cannot pursue public interest jobs.<sup>18</sup> Annual salaries for most public interest jobs average about \$25,000.<sup>19</sup> While about fifty law schools around the nation offer some type of debt relief for low-income graduates, only six schools have programs that are large enough to provide substantial relief to this segment of students.<sup>20</sup> Still, these programs serve as good models. For example, Georgetown University Law Center's Loan Repayment Assistance Program offers qualified students tax-free loans that the school later forgives under certain circumstances.<sup>21</sup> George Washington University pays its graduates a stipend, which must be counted as taxable income.<sup>22</sup> The maximum a student can qualify for is \$8,000 a year, but this amount is sometimes enough to make it possible for a debt-strapped graduate to begin a career in the public interest sector.<sup>23</sup> Harvard University and New York University grant loan forgiveness based on income because they seek to "ensure freedom of job choice within the legal community."<sup>24</sup> The Washington University School of Law in St. Louis pays full tuition and a stipend to five students per class per year.<sup>25</sup> According to Graham Pritchard, a student who received that assistance, those awards are made based on a commitment to pursue a career in public interest law.

Of course, some schools lack the resources to support such extensive loan-forgiveness programs. More schools should strive to make enough information available to their students about options

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Goldstein, *Bar Urges Pro Bono Rule for Law Students*, 213 N.Y. L.J. 1 (1995).

18. See Kate Ackley, *Til Debt Do Us Part: Some Schools Help Repay Student Loans for Law Grads Who Take Public Interest Jobs*, 22 LEGAL TIMES S31 (1999) (quoting David Stern, NAPIL's executive director); see also Lewis A. Kornhauser & Richard L. Revesz, *Legal Education and Entry into the Legal Profession: The Role of Race, Gender, and Educational Debt*, 70 N.Y.U. L. REV. 829 (1995).

19. William P. Hoyer, *How to Finance a Career in Public Interest Law . . . and Pay Those Staggeringly High Law School Bills Without Living a Life of Total Privation for Years*, NAT'L L.J. Aug. 1994, at 14.

20. *Trends in the Profession*, *supra* note 10.

21. See Ackley, *supra* note 18. American University's Washington College of Law offers a similar loan forgiveness program, so long as its graduates stay with a qualifying public interest job for at least five years. See *id.*

22. *Id.*

23. *Id.*

24. *Id.* (quoting Harvard Law School's Low Income Protection Plan Web site).

25. See WASHINGTON UNIVERSITY IN ST. LOUIS, WEBSTER SOCIETY, at <http://s.wustl.edu/Admissions/Websters.pdf> (last visited Dec. 15, 2001).

that could make low-paying jobs a feasible choice for them, despite their debt.<sup>26</sup> For example, students can consolidate student loans and reduce payments by spreading them out over twenty or thirty years, rather than ten.<sup>27</sup> Many lenders also offer forbearances or graduated, income-based payments for the first few years of repayment.<sup>28</sup> Numerous law firms, foundations, professional associations, and other agencies offer fellowships and other programs for those interested in public interest law.<sup>29</sup> Along with the typical information about law firms that schools make available to students during recruiting seasons, schools should make information about public interest programs and internships equally accessible. For example, Skadden, Arps, Slate, Meagher & Flom selects twenty-five attorneys each year to spend two years working full-time in public interest jobs. The Skadden Fellowship Foundation pays each attorney a \$32,500-per-year salary, and pays their student loan installments for those two years.<sup>30</sup>

In 1995, the Public Interest Law Initiative sponsored ninety interns and fellows from around the country to work at various agencies throughout the Chicago area.<sup>31</sup> The law firms that the interns would eventually join contributed the majority of their \$350 weekly salary.<sup>32</sup> The State of New York uses its Interest on Legal Trust Accounts to pay for public interest fellowships.<sup>33</sup> These are just a few examples. The list of opportunities to enter public interest work despite law school debt is endless.<sup>34</sup>

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26. See Daniel Becker, *Abramson Foundation Celebrates 10th Anniversary*, WASH. LAW., Apr. 2001, at 16. (interviewing public interest stipend recipient about how the stipend "influenced her life choices considerably," permitting her to pursue a public interest job that she could not have otherwise accepted because of her high student loan debt).

27. See Hoye, *supra* note 19.

28. *Id.*

29. *Id.*

30. *Id.* Applicants to the Skadden program find their own public interest "sponsor." *Id.* When selected, the attorney works in the sponsor's office at almost no cost to the sponsor. *Id.* This program provides great flexibility for the applicants to choose the area in which they have the most interest.

31. See Stapleton, *supra* note 3.

32. *Id.*

33. See Hoye, *supra* note 19.

34. For example, the University of Pennsylvania Law School pays ten students each summer, through the Edward V. Sparer Fellowship Program, to work for civil legal service organizations. See Mia Angiolillo, *Penn Becomes First Law School to Receive ABA Pro Bono*

Discovering these public interest opportunities and financial resources can be a daunting task, especially as most of these programs lack the funding for broad advertising. Meanwhile, law schools dedicate enormous resources and energy to help students obtain traditional jobs. For example, law schools court firms to visit their campuses and conduct résumé workshops and mock interviews. Often, a career services office has multiple copies of the Martindale Hubble Directories along with numerous computer terminals that provide up-to-date information on the firms with whom students may interview, in hopes to secure a position. If law schools are to do their part to help students realize their desire to work in the public interest sector, they must dedicate the resources necessary to help students understand the variety of public interest positions available and how best to compete for those opportunities. Specifically, career services offices should do more than compile information on public interest jobs. They should take an active role to help their students seek and obtain alternative methods to fund their work.

Aside from the financial aspects, law schools simply need to make public interest and *pro bono* work more a part of the law school experience.<sup>35</sup> Most students are more or less playing “follow the leader” through at least their first two years of law school.<sup>36</sup> Further, regardless of their interest, they are not encouraged to pursue public interest work. Indeed, recent studies show that “*pro bono* still occupies a relatively marginal place in legal education.”<sup>37</sup> This lack of emphasis on public interest and *pro bono* fueled a cry for

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Award, LEGAL INTELLIGENCER, May 19, 2000, at 3.

35. See Deborah Rhode, *Essay: The Pro Bono Responsibilities of Lawyers and Law Students*, 27 WM. MITCHELL L. REV. 1201, 1214 (2000) (“The most obvious and essential initiatives must come from law school administrations.”).

36. See, e.g., David Hall, *The Law School's Role in Cultivating a Commitment to Pro Bono*, 42 B.B.J. 4, 20 (1998) (discussing the law school's duty to educate students about public interest opportunities early, and then back up the message with institutional mechanisms for students to pursue these opportunities).

37. See Rhode, *supra* note 5, at 2416. Only about ten percent of law schools require *pro bono* work, but most requirements are minimal. A majority of law students gain no public service experience as part of their legal education. *Id.* at 2417. In 1998, the Association of American Law Schools created the Commission on *Pro Bono* and Public Services Opportunities to help schools create or improve their public interest programs. See David L. Chambers & Cynthia F. Adcock, *Learning and Serving: Pro Bono Legal Services by Law Students*, 79 MICH. B.J. 1056 (2000).

mandatory *pro bono* as a requirement for graduation.<sup>38</sup> The cited goals are: increasing students' exposure to the needs of the poor; heightening awareness of the overall community's needs; and mobilizing students to act.<sup>39</sup> Many of the objectives supporters hope to achieve through required *pro bono* work could occur if schools incorporate classes and internship opportunities into their curriculum and increased awareness about programs available outside of the particular school's programs.<sup>40</sup>

Northeastern University School of Law takes a systematic approach to expose its students to public interest.<sup>41</sup> It begins with a first-year required course, "Law, Culture and Difference," where students are confronted with issues of class, poverty, and race.<sup>42</sup> Intertwined are other first-year class topics, such as urban adverse possession, welfare reform, and hate speech. In this class, students are exposed to perspectives on how different groups access the legal system and how elusive justice can be for some people.<sup>43</sup> In the second half of the course, students actively engage in community legal projects, when they work with a specific community organization or government agency.<sup>44</sup> Finally, students are required to participate in a certain number of hours of *pro bono* work, where they also receive class credit. The school is flexible about how this *pro bono* work is accomplished, offering co-op internships, positions with school-affiliated legal clinics, and special, supervised independent study projects.<sup>45</sup>

Another goal of mandatory *pro bono* is to "expose students to the

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38. See Goldstein, *supra* note 17; Ken Myers, *Students Continue Their Struggle for mandatory Pro Bono Support*, NAT'L L.J., Mar. 11, 1991, at 4; Sheryl Nance, *Law Students Support Mandatory Pro Bono*, 205 N.Y.L.J. 1 (1991). But see David Schoenbrod & Alexandra Seward, *Don't Turn Law Students into Pro Bono Slaves*, 141 N.J.L.J. 2134 (1995) (arguing against mandatory *pro bono* for law students).

39. See Angiolillo, *supra* note 34.

40. *Pro Bono Student America*, a national network of *pro bono* and public interest programs, created a database that allows students and graduates to search for positions when they enter their particular criteria. See *Database Links Students to Pro Bono Positions*, LEGAL TIMES, Aug. 28, 1995, at 533.

41. Hall, *supra* note 36.

42. *Id.*

43. *Id.*

44. *Id.*

45. *Id.*

idea that everybody can do public service even if they work elsewhere.”<sup>46</sup> This idea illuminates one of the most difficult misconceptions to overcome about public interest work: that it is an all-or-nothing proposition. There are definite niches in the public interest area for those students and graduates who can commit part-time help and resources. When law schools integrate public interest into the curriculum through classes, internships, and organizations all students are exposed to the opportunities that public interest work offers, even if they ultimately choose a traditional legal career. For example, Yale Law School has a seminar, “Professionalism in the Public Interest,” where students develop and implement *pro bono* projects to take with them to their firms.<sup>47</sup> Additionally, the Washington, D.C. Bar Association has a very successful *pro bono* clinic staffed with part-time by attorneys from big firms, small firms, and the government sector.<sup>48</sup>

Finally, law schools need to recognize students’ public interest achievements. The law school experience typically sends students the message that good grades, law review, and best brief awards are the most respected and coveted accomplishments. These are the benchmarks against which most schools compare students for scholarships and other types of financial incentives. The Alabama State Bar instituted a Volunteer Lawyers Program Student Award.<sup>49</sup> During law school, recipients must work fifty hours at a Legal Services office during law school, which cannot be for credit or remuneration.<sup>50</sup> Students who earn the award are recognized at graduation, honored at the Alabama State Bar Admissions Ceremony and recognized in the *Alabama Lawyer*.<sup>51</sup> More state and private schools should recognize the importance of these types of programs to elevate public interest accomplishments to the status of other law school achievements.

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46. Ruth Singleton, *In Focus: Pro Bono*, 19 NAT’L L.J., Mar. 10, 1997, at A23.

47. See Daniel Becker, *The Many Faces of Pro Bono*, WASH. LAW., May 2001, at 21.

48. See Melissa Briggs Hutchens, *The Volunteer Lawyers Program Student Award*, 62 ALA. LAW. 182 (2001).

49. Denis Curtis, *Can Law Schools and Big Law Firms be Friends?*, 74 S. CAL. L. REV. 65, 66 n.1 (2000).

50. See Hutchens, *supra* note 48.

51. *Id.*

### *B. What Students and Graduates Can Do*

Law schools do not bear the sole burden when it comes to encouraging public interest careers. Students must take responsibility to pursue their desire to perform public interest work regardless of what programs their individual schools offer.<sup>52</sup> This decision requires making conscious choices throughout law school and after graduation.

Students should pursue their interest during the first year of law school. They should take advantage of classes and clinics. Students should take the initiative to discover *pro bono* opportunities in the community, especially if their school does not offer a program that comports with their interest.<sup>53</sup> They should take the initiative to find the necessary funding through fellowships and scholarships.<sup>54</sup> In fact, a large amount of the money dedicated each year to fellowships funding public interest work is raised by students.<sup>55</sup> Some schools have programs that are run almost entirely by students.<sup>56</sup>

Most important is a conscious awareness and willingness to stray from the traditional path. It will be easier to explore, and get experience in, a public interest field if students spend one summer working at a legal aid clinic rather than as a summer associate at a large firm.

Obviously, graduates who pursue public interest jobs will always face obstacles. Despite the challenges, entering the public interest arena after graduation is an obtainable, albeit sometimes difficult,

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52. See generally Luke Cole, *The Crisis and Opportunity in Public Interest Law: A Challenge to Law Students to be Rebellious Lawyers in the '90s*, B. U. PUB. INT. L.J., Spring 1994, at 1.

53. NAPIL is a great source of information about all types of public interest work. See [www.napil.org](http://www.napil.org) (last visited Feb. 4, 2002). Many cities and states have their own *pro bono* programs that would be more than happy to accept help from student volunteers. See, e.g., *Law Students Volunteer to Help Pro Bono Attorneys*, MONT. LAW., Feb. 1996, at 17.

54. NAPIL has published a manual called *Action* that details ways for students to establish new Loan Repayment Assistance Programs or improve and strengthen existing programs and public interest scholarship programs. *Trends in the Profession*, *supra* note 10, at 944.

55. See Julia R. Gordon, *Heeding the Call to Service: Student Contributions to the National Association for Public Interest Law Fund Summer Internships*, LEGAL TIMES, Sept. 2, 1996, at 540.

56. See, e.g., Jim Rapone, *New Office at Temple Law School to Support Public Interest Programs*, 220 LEGAL INTELLIGENCER 5 (1999).



goal. The possibilities are limitless. Gone are the days that public interest work was necessarily synonymous with starvation. There is now an increasingly broad spectrum of public interest work available to graduates.

There will always be a need for volunteer lawyers. Yet, there are now full-time attorney positions available in non-profit organizations that focus on an array of issues. Examples include: reproductive rights for women; health care; elder law; urban planning; homelessness; children's advocacy; school desegregation; immigration; and AIDS issues.<sup>57</sup> There are also many government-funded positions available with public defenders' offices, prosecutors' offices, health and education agencies, social service departments, juvenile programs, environmental protection agencies, labor and employment units, and a number of other agencies.<sup>58</sup>

Indeed, even those students that take a more traditional path to the private sector have abundant options today. Public interest does not necessarily mean non-profit.<sup>59</sup> There are now private law firms that specialize in public interest work.<sup>60</sup> These operate like traditional firms, but charge fees on a sliding scale and pay their attorneys less than they would earn at a typical private firm.<sup>61</sup> Most traditional private firms now have programs that commit firm resources to *pro bono* cases.<sup>62</sup>

## V. CONCLUSION

Despite all the discussion and speculation over students' lack of interest in public service, I share the more optimistic view of David Stern, NAPIL's executive director. Recently, he mused:

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57. See Brittain, *supra* note 6, at 11-12.

58. *Id.* at 11.

59. See Adam R. Necrason, *Vermont Law School Expands Commitment to Public Interest Law*, 23 VT. BAR J. & L. DIG. 38 (1997) (recognizing that "public interest" does not necessarily mean non-profit anymore as now it "includes the representation of the interests of an individual or a group of individuals which for various economic, political, or social reasons, are not adequately represented").

60. See Debra S. Katz & Lynne Bernabei, *Practicing Public Interest Law in a Private Public Interest Law Firm: The Ideal Setting to Challenge the Power*, 98 W. VA. L. REV. 293, 295-96 (1994).

61. *Id.*

62. See Cahill, *supra* note 4.

It is amazing how many students persist in trying to follow their hearts, even when there are so few job opportunities. . . . The dedication and commitment of law students out there never ceases to amaze me. When I talk to these students about their reasons for entering law school and their goals after graduation, I have high hopes for the future of the legal profession.<sup>63</sup>

My own career in public interest is immensely fulfilling. I meet passionate students every day who want to enter the legal field and make a difference. This desire is an obtainable goal. My advice to students is: have a purpose, stick to your goals, and do not be afraid to make “course corrections.”

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63. Gordon, *supra* note 55, at 540.